

Order

**Michigan Supreme Court
Lansing, Michigan**

October 26, 2011

Robert P. Young, Jr.,
Chief Justice

143329
143348
143633

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

MARCY HILL, PATRICIA HILL, and
CHRISTOPHER HILL,
Plaintiffs-Appellees,

v

SC: 143329
COA: 295071
Macomb CC: 2007-003755-NO

SEARS ROEBUCK & COMPANY, SEARS
LOGISTIC SERVICES, INC., EXEL DIRECT,
INC. and MERCHANT DELIVERY, INC.,
Defendants-Appellees,

and

MARK PRITCHARD and TIMOTHY
DAMERON,
Defendants-Appellants.

and

CHARLES R. LINDSEY, ORALIA J. LINDSEY,
and ALBERT KIMPE,
Defendants.

MARCY HILL, PATRICIA HILL, and
CHRISTOPHER HILL,
Plaintiffs-Appellees,

v

SC: 143348
COA: 295071
Macomb CC: 2007-003755-NO

SEARS ROEBUCK & COMPANY, SEARS
LOGISTIC SERVICES, INC., MARK
PRITCHARD, and TIMOTHY DAMERON,
Defendants-Appellees,

and

EXEL DIRECT, INC. and MERCHANT
DELIVERY, INC.,
Defendants-Appellants,

and

CHARLES R. LINDSEY, ORALIA J. LINDSEY,
and ALBERT KIMPE,
Defendants.

MARCY HILL, PATRICIA HILL, and
CHRISTOPHER HILL,
Plaintiffs-Appellees,

v

SC: 143633
COA: 295071
Macomb CC: 2007-003755-NO

SEARS ROEBUCK & COMPANY and SEARS
LOGISTIC SERVICES, INC.,

Defendants-Appellants,

and

EXEL DIRECT, INC., MERCHANT DELIVERY,
INC., MARK PRITCHARD, and TIMOTHY
DAMERON,

Defendants-Appellees,

and

CHARLES R. LINDSEY, ORALIA J. LINDSEY,
and ALBERT KIMPE,
Defendants.

On order of the Court, the applications for leave to appeal the May 24, 2011 judgment of the Court of Appeals are considered. We direct the Clerk to schedule oral argument on whether to grant the applications or take other action. MCR 7.302(H)(1). At oral argument, the parties shall include among the issues addressed: (1) whether the defendant installers of the electrical appliance, Mark Pritchard and Timothy Dameron, had a duty to the plaintiffs with respect to the uncapped gas line in their home that was separate and distinct from their contractual duty to properly and safely install the electrical appliance; (2) whether these defendant installers created a new dangerous condition with respect to the uncapped gas line, or made an existing dangerous condition more hazardous; and (3) whether defendants-appellants Sears Roebuck & Company, Sears Logistic Services, Inc., Exel Direct, Inc., and Merchant Delivery, Inc., breached any duty owed to the plaintiffs. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



t1019

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 26, 2011

Corbin R. Davis

Clerk